

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA**

IN RE EAST YARD COMMUNITIES
FOR ENVIRONMENTAL JUSTICE
ET AL.,

Petitioners,

v.

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY ET AL.,

Respondents.

Case No. 21–1271

MOTION TO GOVERN FURTHER
PROCEEDINGS

Before the Court is a petition for a writ of mandamus, filed by East Yard Communities for Environmental Justice et al. on December 21, 2021, relating to the regulation of emissions from large municipal solid waste incinerators under the Clean Air Act. After the Parties reached an agreement in principle to settle this petition—as well as a related matter in the U.S. District Court for the District of Columbia, *East Yard Communities for Environmental Justice v. EPA*, No. 22-cv-0094 (D.D.C.)—this Court on February 28, 2023 placed the petition matter in abeyance. Doc. No. 1987962.

In June, the Parties reported the lodging of a draft consent decree in the District Court that would resolve both cases, and the opening of a public comment

period on the proposed agreement, required under 42 U.S.C. § 7413(g). *See* 88 Fed. Reg. 38,859 (June 14, 2023).

The public comment period has now closed, and the Parties have moved the District Court to enter the consent decree. ECF 24, *East Yard Communities for Environmental Justice v. EPA*, No. 22-cv-0094 (D.D.C. Sept. 19, 2023). As of the date of this filing, the District Court has not acted on that motion. The Parties therefore ask the Court to continue to hold this matter in abeyance, and to order the Parties to file an additional motion to govern further proceedings within a reasonable time following the District Court's action on the motion for entry of the consent decree.

Respectfully submitted on September 27, 2023,

TODD KIM
Assistant Attorney General

/s/ Gus Maxwell
GUS MAXWELL
United States Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
999 18th Street; South Terrace, Suite 370
Denver, CO 80202
(303) 844-1437
gustavus.maxwell@usdoj.gov

Counsel for Respondents

/s/ Jonathan J. Smith
JONATHAN J. SMITH
Earthjustice
48 Wall St., 19th Floor
New York, New York 10005
212-845-7376
jjsmith@earthjustice.org

Counsel for Petitioners

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Respectfully submitted on September 27, 2023,

TODD KIM
Assistant Attorney General

/s/ Gus Maxwell

GUS MAXWELL

United States Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 7611
Washington, D.C. 20044-7611
(202) 514-0135
gustavus.maxwell@usdoj.gov

Counsel for Respondents